VIRGINIA LAW REGISTER.

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MISCELLANEOUS NOTES.

DEATH OF JUDGE LACY.—The Hon. Benjamin Watkins Lacy, late Judge of the Supreme Court of Appeals of Virginia, died at his residence in New Kent county on the 15th of May. We can only make this bare announcement of the sad event in this number of the REGISTER, as all the matter for it is in the hands of the publishers. A sketch of his life and public services will appear in the next number.

CONTRIBUTORS.—Articles contributed for publication in the REGISTER should be as brief as the subject will admit of, and also type-written, if practicable.

SPECIAL DEPARTMENT FOR THE YOUNGER MEMBERS OF THE PROFESSION.—As indicated in the "Introductory" (1 V. L. Reg. 72) would be done, this department of the REGISTER has been instituted, and in this number, as in future numbers, will be found something "FOR THE JUNIORS." While intended primarily for the younger members of the bar, we trust it may not be without interest and even some benefit to the seniors.

THE DEEDS OF TRUST PUZZLE: A LEGAL PARADOX.—It would *seem* that Prof. Minor agrees with Prof. Tucker in the views expressed by him in the Article under the above heading contained in 1 V. L. Reg. 4–13. See 2 Minor's Insts. (3d ed'n), top p. 358; Id. (4th ed'n), top p. 365.

THE COURT OF APPEALS.—This Court, after a session at Richmond of four months, divided into two terms, adjourned on the 3d of May. There were 234 cases on the docket at the beginning of the first term, 5th January, and, of these, 106 were disposed of, leaving on the original docket 128. Adding to these the cases in which appeals and writs of error have been allowed but not matured for the docket, will make the number of cases at Richmond, when the court adjourned its session there, 153.

This is certainly fine work for the new Court; but it is not all. There were

96 applications for appeals and writs of error, 62 of which were granted and 34 refused. From this exhibit, parties who suppose they can get an appeal or writ of error from this court by merely applying for it, when they are really not entitled to it, are very likely to be disappointed. The Court evidently intends to work off the cases on hand as speedily as the due administration of justice will admit of, and keep out all that ought not to be brought before it for review.

The docket at Wytheville at the approaching session there, to begin 10th June, will be unusually large. At our request, the clerk has furnished us, as of 10th of May, the following statement—cases arranged according to Circuits and Cities and to be heard in that order, as the statute provides:

1. Criminal cases	7

CIRCUITS AND CITIES.

1. Eighteenth Circuit—(Judge Dupuy's)	14
2. Sixteenth Circuit—(Judge Sheffey's)	21
3. Corporation Court of Bristol—(Judge Rhea's)	3
4. Fifteenth Circuit—(Judge Williams')	41
5. Seventeenth Circuit—(Judge Miller's)	18
6. Fourteenth Circuit—(Judge Blair's)	19
7. Corporation Court of Radford City—(Judge Cassell's)	4
8. Corporation Court of Roanoke—(Judge Woods')	22
9. Fourth Circuit—(Judge Whittle's)	1
	150
Deduct cases in which records have not yet been printed	38
Ready for hearing	112
The clerk says, however, that some additional cases will be matured, and records in some ten or twelve, not yet printed, will be printed before the term begins. Therefore, it may be estimated that there should be added to the cases already on the docket, say	18
	130

This is an extraordinary number of cases for the Wytheville docket; but the Court may, if occasion requires and the Judges are able to work incessantly without rest in summer time, sit there for three months, as the session at Staunton will not begin until 10th of September.

UNIFORMITY IN STATE LAWS.—For some years the Committee of the American Bar Association on Uniform State Laws has been endeavoring to secure the appointment in the several States of Commissions on Uniformity of Legislation. At the last meeting of the Association (August, 1894) the committee reported that twenty-two States (among them Virginia) had appointed commissions. The Virginia Statute (Acts 1893-'94, chap. 400, p. 471) provides that the Governor shall appoint three commissioners, who are constituted a Board of Commissioners by the name and style of "Commissioners for the Promotion of Uniformity of Legislation in the United States." The statute thus prescribes their duties:

"It shall be the duty of the said commission to examine the subject of marriage and divorce, insolvency, the form of notarial certificates, descent and distribution

of property, acknowledgment of deeds, execution and probate of wills, and other subjects on which uniformity is desirable, to ascertain the best means to effect uniformity in the law of the States, and to represent the State of Virginia in conventions of like commissions heretofore appointed or to be appointed by other States, to consider and draft uniform laws to be submitted for approval and adoption of the several States, and to devise and recommend such other course of action as shall best accomplish the purpose of this act. The term of office of said commissioners shall be two years."

Under this act, the following gentlemen were appointed commissioners for Virginia: James Keith (now President of the Court of Appeals), James Alston Cabell, and E. W. Saunders.

RE-ARRANGEMENT OF THE LAW COURSE AT THE UNIVERSITY OF VIRGINIA.—At a recent meeting of the Board of Visitors of the University of Virginia, upon the recommendation of the Law Faculty, several radical changes were made in connection with the Law Department. The most important of these were the enlargement of the course of study—requiring two years for its completion—and the abandonment of the rule that every subject in the course (save that of Constitutional and International law) shall be completed during the year of graduation, without credit for any subject completed in a former session.

The new plan presents several marked advantages over the old system. The enlargement of the course of study is especially to be commended. The recent growth of the law, notably in certain branches, certainly calls for a more extended course than the law department of the University has heretofore offered.

The abolition of the rule that the entire course shall be completed as a whole in a single session, will remove the necessity for the immense amount of cramming heretofore unavoidable, and will give the student more leisure to acquire legal principles, and, what is of greater importance, more opportunity to digest them. Another advantage will be in securing two years of honest work from every candidate for the degree. Before this time, the highest ambition of the two-years' student during his first session, has been to be declared proficient in the school of Constitutional and International law, and he has relied mainly upon his second year's work for the attainment of his degree. The consequence has been that idleness the first year is followed by cramming the second.

Under the new system the entire course is divided into six classes, three of which are known as the junior, or first year classes, and the other three as senior, or second year classes. The completion of the subjects embraced in any one of these six classes is to be final, without the necessity of a re-examination therein the next session. Provision is also made for fall examinations, at the beginning of the session, for those junior students who have attained to a certain grade the previous session, but have fallen below the graduating standard. This is to enable diligent students to make up during the summer the deficiencies of the first session, and to go forward with their second year's work, unhampered by work brought over from the previous year.

Old students who recall the physical and mental strain produced by the requirements for graduation under the old *régime*—and especially those students who failed on a single examination, and preferred to go without the degree rather than

undergo a similar strain another year—will doubtless applaud the action of the Board with unrestrained fervor.

RESIGNATION OF JUDGE JOHN D. HORSLEY—HON. TAYLOR BERRY, HIS SUCCESSOR.—Hon. John D. Horsely, recently Judge of the Fifth Judicial Circuit, composed of the counties of Nelson, Amherst, Appomattox, Campbell and the City of Lynchburg, has resigned his judicial station in order to re-enter upon the practice. During Judge Horsley's judicial career of nine years he performed the arduous duties of his position most acceptably to the bar and people of his circuit, and universal regret follows his resignation. Aside from his legal learning and marked executive ability, he exhibited in rare combination those other qualities so essential in a judge, and so keenly appreciated by the bar, of patience to listen to, and readiness to be convinced by, honest argument. His firmness, courage and impartiality were emphasized by a courtesy which never forgot itself, and which nothing short of perjury or contempt could vary.

Hon. Taylor Berry, of Amherst, has been appointed his successor. Judge Berry has been conspicuous at the bar and in the legislative halls of the State for many years. His legal learning, general culture, sound judgment, love of justice, courteous manners, and high moral character, make him a worthy successor of Judge Horsley.

MRS. BELVA A. LOCKWOOD, ATTORNEY AT LAW.—This lady, a conspicuous advocate of woman's rights, who had been admitted as attorney in some courts outside the State, notably in the Supreme Court of the United States, a year or two ago appeared before our Court of Appeals and asked to be allowed to practise law in that court on taking the oaths required by the statute. The four judges on the bench at the time being equally divided in opinion, her application failed. Thereupon, she applied to the Supreme Court of the United States for a *mandamus* to *compel* the Virginia Court of Appeals to allow her to qualify as an attorney in that court. The Supreme Court, being clearly without jurisdiction in the matter, refused to award the writ. Subsequently she renewed her application to the Court of Appeals when there was a full bench, and three of the five judges decided in her favor; but, not being present, she did not qualify. Recently she appeared before the new court and again asked to be allowed to qualify. The judges unanimously refused to grant her that privilege, the court being of opinion that the statute allowing any person to practise law in this State who is authorized to practise in any other State or Territory of the United States, or in the District of Columbia, does not include *women*. (Code 1887, sec. 3192.)

The statute had its origin more than half a century ago, when a *woman* lawyer in this country was unknown. Several times in recent years efforts have been made to induce the Legislature to change the law so as to admit women to the bar, but each time the effort failed. It would be remarkable, that a Virginia woman should be denied the privilege of becoming a practising lawyer in the courts of the State, and that a non-resident woman should be accorded that privilege.

If Mrs. Lockwood ever expects to practise law in this State, she must prevail on the Legislature to give her the status of a *man*.